

C A M P A I G N F O R ACCOUNTABILITY

April 24, 2017

BY EMAIL: director.librarian@tsl.texas.gov

Mark Smith
Director and Librarian
Texas State Library and Archives Commission
P.O. Box 12428
Austin, TX 78711-2428

Re: Public Information Act Request

Dear Sir or Madam:

Campaign for Accountability (“CfA”) makes this request for records, regardless of format, medium, or physical characteristics, and including electronic records and information, audiotapes, videotapes and photographs, pursuant to the Texas Public Information Act. TX Gov’t Code §§ 552.001 *et seq.*

First, CfA seeks any and all communications to, from, or between any employee of the Office of Governor Rick Perry and any employee or representative of the Heidi Group and/or the name under which it sometimes operates, the Wellness Coalition,¹ including but not limited to its leader, Carol Everett.

Second, CfA seeks any communications to, from, or between any employee of the Office of Governor Rick Perry and any employee of the State of Texas, including elected officials and executive branch employees, regarding the Heidi Group, the Wellness Coalition, and/or Carol Everett.

This request is for records from January 1, 2011 to January 20, 2015.

By way of background, in March 2012, Governor Rick Perry announced that the state of Texas would provide funding for a family planning program that had previously been funded largely by the federal government.² Ms. Everett supported Gov. Perry’s proposal.³ In August 2016, Texas Health and Human Services (“HHS”) awarded the Heidi Group \$1.6 million through the Healthy Texas Women program.⁴ On March 14, 2017, the *Associated Press* reported

¹ Edgar Walters, *Anti-Abortion Advocate's Group Receives Women's Health Grant*, *The Texas Tribune*, August 10, 2016, available at <https://www.texastribune.org/2016/08/10/texas-anti-abortion-advocate-group-health-grant/>.

² Emily Ramshaw and Thanh Tan, *Feds to Halt Funding for Women's Health Program*, *The Texas Tribune*, March 15, 2012, available at <https://www.texastribune.org/2012/03/15/feds-halt-funding-womens-health-program/>.

³ Thanh Tan, *Anti-Abortion Advocates Counter Planned Parenthood Media Blitz*, *The Texas Tribune*, March 8, 2012, available at <https://www.texastribune.org/2012/03/08/anti-abortion-leaders-blast-planned-parenthood/>.

⁴ Walters, *The Texas Tribune*, Aug. 10, 2016.

the Heidi Group had largely failed to deliver the services outlined in its contract with HHS.⁵ An HHS spokesperson told the *Associated Press* at the time, "The bottom line is that we are holding our contractors accountable." On March 16, 2017, Texas State Rep. Sarah Davis told state officials that she predicted the House General Investigations and Ethics Commission would be looking into the HHS contract with the Heidi Group.⁶

Where possible, please produce records electronically, in PDF or TIF format on a CD-ROM. CfA seeks records of any kind, including electronic records, audiotapes, videotapes, and photographs. This request includes any letters, emails, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. This request also includes any attachments to these records.

If it is your position that any portion of the requested records is exempt from disclosure, please state the basis of the exemption. TX Gov't Code § 552.101. Please explain in writing and with particularity the reasons for any determination that a record is exempt from disclosure. In the event that a portion of a requested record is properly exempt from disclosure, please redact that portion and produce the remainder of the requested record. If you deny this request in whole or in part, please specify each exemption on which you are relying to withhold information.

CfA is a non-profit organization and seeks the requested information to inform and educate the public about the state's oversight responsibilities regarding public funding for private organizations. Accordingly, because CfA seeks the information to benefit the general public, we request that the information be provided without charge. TX Gov't Code § 552.267. If a fee waiver is not available, please inform me if the cost will exceed \$200. TX Gov't Code § 552.2615.

Please promptly produce the requested information. If, however, production cannot occur within 10 business days, please certify that fact to us and provide a time when the information will be available. TX Gov't Code § 552.221. If you are unable to meet this statutorily required time period, or foresee any problems in releasing the requested records in whole or in part, please contact me at 202-780-5750.

Finally, I welcome the opportunity to discuss with you whether and to what extent this request can be narrowed or modified to better enable the Office of the Governor to process it.

If possible, please email the records to me at dstevens@campaignforaccountability.org. If the records are mailed, please send them to: Campaign for Accountability, 660 Pennsylvania Ave S.E., Suite 303, Washington, D.C. 20003.

⁵ Paul Weber, *Get by without Planned Parenthood? One Texas effort stumbles*, *Associated Press*, March 14, 2017, available at http://hosted2.ap.org/APDEFAULT/3d281c11a96b4ad082fe88aa0db04305/Article_2017-03-14-US--Health%20Overhaul-Planned%20Parenthood-Texas/id-e17af389024b46cab46ed22a328bf6c6.

⁶ Paul Weber, *Texas House ethics chair probes anti-abortion group contract*, *Associated Press*, March 17, 2017, available at <http://bigstory.ap.org/article/f59e6ff3590b49f286701ff2a0a1189d/texas-house-ethics-chair-probes-anti-abortion-group>.

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Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E. Stevens", with a long horizontal flourish extending to the right.

Daniel E. Stevens
Executive Director